

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MILLER of California. Madam Speaker, I rise in support of the bill.

H.R. 3461 consolidates numerous fisheries and marine conservation bills that have been passed by the Resources Committee and, in many cases, the full House without controversy.

It includes a number of fisheries bills that will improve fisheries management and conservation on both the east and west coasts. It includes a provision to create a public private partnership to improve the quality of our Nation's nautical charts, and in turn improve the safety of navigation and marine environmental protection. It also includes a provision to help local communities in the Puget Sound improve the conservation of their marine resources.

In closing, this is a good bill that is supported by Members from both sides of the aisle, and I am pleased to support its passage today.

Mr. METCALF. Madam Speaker, I rise today in support of this legislation, which includes the Northwest Straits Marine Conservation Initiative Act. This act is a bottom up, local control approach to managing and protecting the waters of northern Puget Sound.

I would like to thank Chairman, YOUNG, Chairman SAXTON, and Mr. MILLER, and their staffs for their cooperation and assistance, and I appreciate their efforts in bringing this landmark legislation to the floor.

I introduced legislation authorizing this act which reflects genuine cooperation between stakeholders spanning the spectrum of interests. Senator MURRAY has also introduced identical legislation in the U.S. Senate. This act represents citizen involvement, strong support from State, local, and the Federal Government; bipartisanship; and conservationists working constructively with industry and property rights advocates—I think this symbolizes an achievement of something not-much-short of a miracle.

I welcomed the opportunity to form the Northwest Straits Advisory Commission with Senator PATTY MURRAY, and I am very pleased with the spirit of cooperation that has led to producing this act. This legislation will help reverse the degradation of the marine ecosystem of the Northwest Straits by encouraging and supporting the concerns, initiative, and capabilities of the people of the Puget Sound and their local governments. It will also foster improved resource protection, preservation of commercial values and diverse ways of life. This will happen with the full cooperation of tribes, additional research, education, and interpretation and maximum cooperation by all Federal agencies along with State and local governments.

For years, the debate over the National Marine Sanctuary in Puget Sound was conducted with growing acrimony. In fact, the public discourse nearly broke down altogether. I was happy to share with Senator MURRAY appreciation for another model, the San Juan County Marine Resource Committee, (MRC). The San Juan MRC is a citizen group empowered by that county to increase voluntary environmental protections, focus public attention on marine issues, and to aid in coordination of existing agencies with jurisdiction in the area. The San Juan MRC is an example of local citi-

zens convening from various view points, rolling up their sleeves, and doing the work of environmental protection around the beautiful San Juan Islands.

And that model of cooperation, communication, and working together, had to be the point of departure for our task of better protecting the magnificent northern Puget Sound. The Northwest Straits Marine Conservation Initiative Act centers on the formation of seven MRC's, one from each county affected, and would in turn participate in a regional panel, which would focus on scientific priorities, and coordinate research and educational activities throughout the region. The commission would be composed of local, State, and tribal appointees, and would hold no regulatory power.

There are a number of benchmarks for specific performance in the legislation that will be used as goals, including establishment of marine protected areas, restoration of habitat, and reopening of areas for shellfish harvest, among others. The Northwest Straits Commission and MRC's would be required to prepare annual reports for public review, culminating in an extensive independent scientific review after five years. The Commission's work will continue only if it is apparent its work is making a difference.

So I applaud the grassroots, "bottom-up" approach adopted by the Commission in its report. I also salute the commitment of NOAA, the Puget Sound Water Quality Action Team, tribal governments, and other State and Federal agencies to work with the Northwest Straits Advisory Commission—to highlight the problems of this region, help focus and coordinate scientific research, and to better use the authority already existent to save this treasure for our grandchildren.

Finally, I want to thank each one of the commission members who gave so much time out of their busy lives to make this happen, as well as all the specialists, technical support people, and local government officials who made themselves available for this endeavor. The members of the Northwest Marine Straits Commission include: Kathy Fletcher—People for the Puget Sound, Harry Hutchinson—Steamship Operators, Don Charnley—former State Senator, Dr. David Fluharty—U.W. School of Fisheries, Doug Scott—Friends of the San Juans, Brian Calvert—Chair, San Juan County Marine Resource Council, Dr. Dennis Willows—U.W. Friday Harbor Lab., Jim Darling—Executive Director, Port of Bellingham, Cheryl Hymes—former State Legislator, Terry Williams—Tulalip Tribes Natural Resources, Don Hopkins—Port Commissioner, Port of Everett and the Longshoremen union, Mac McDowell—Island County Commissioner, Andy Palmer, Jefferson County conservationist—formerly Center for Marine Conservation, Dwain Colby—former Island County Commissioner, and Phil Kitchell—Clallam County Commissioner. I urge support for this act, a truly bipartisan, local consensus approach to protecting a national environmental treasure.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes."

A motion to reconsider was laid on the table.

FALL RIVER WATER USERS DISTRICT RURAL WATER SYSTEM ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 744) to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fall River Water Users District Rural Water System Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Fall River Water Users District Rural Water System located in Fall River County, South Dakota, and the water supplies that are available are of poor quality and do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) past cycles of severe drought in the southeastern area of Fall River County have left residents without a satisfactory water supply, and, during 1990, many home owners and ranchers were forced to haul water to sustain their water needs;

(3) because of the poor quality of water supplies, most members of the Fall River Water Users District are forced to either haul bottled water for human consumption or use distillers;

(4) the Fall River Water Users District Rural Water System has been recognized by the State of South Dakota; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District Rural Water System members consists of a Madison Aquifer well, 3 separate water storage reservoirs, 3 pumping stations, and approximately 200 miles of pipeline.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Fall River Water Users District Rural Water System in Fall River County, South Dakota;

(2) to assist the members of the Fall River Water Users District in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Fall River Water Users District Rural Water System.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ENGINEERING REPORT.**—The term “engineering report” means the study entitled “Supplemental Preliminary Engineering Report for Fall River Water Users District” published in August 1995.

(2) **PROJECT CONSTRUCTION BUDGET.**—The term “project construction budget” means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the engineering report.

(3) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term “pumping and incidental operational requirements” means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Fall River Water Users District Rural Water System to each entity that distributes water at retail to individual users.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(5) **WATER SUPPLY SYSTEM.**—The term “water supply system” means the Fall River Water Users District Rural Water System, a nonprofit corporation, established and operated substantially in accordance with the engineering report.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) **IN GENERAL.**—The Secretary shall make grants to the water supply system for the Federal share of the costs of the planning and construction of the water supply system.

(b) **SERVICE AREA.**—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, and water conservation within the boundaries of the Fall River Water Users District, described as follows: bounded on the north by the Angostura Reservoir, the Cheyenne River, and the line between Fall River and Custer Counties, bounded on the east by the line between Fall River and Shannon Counties, bounded on the south by the line between South Dakota and Nebraska, and bounded on the west by the Igloo-Provo Water Project District.

(c) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 9.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the engineering report.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period begin-

ning May 1 and ending October 31 of each year.

(b) **CONDITIONS.**—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Fall River Water Users District; that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATE.

This Act does not limit the authorization for water projects in South Dakota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. FEDERAL SHARE.

The Federal share under section 4 shall be 70 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 30 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 11. CONSTRUCTION OVERSIGHT.

(a) **AUTHORIZATION.**—The Secretary of the Interior, acting through the Director of the

Bureau of Reclamation may provide construction oversight to the water supply system for areas of the water supply system.

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Fall River County, South Dakota.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) \$3,600,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4326) to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Oregon Public Lands Transfer and Protection Act of 1998”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public lands in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

Sec. 201. Definitions.

Sec. 202. No net loss of O&C lands, CBWR lands, and public domain lands.

Sec. 203. Modifications to sales authority.

Sec. 204. Modifications to exchange authority.

Sec. 205. Administration of lands acquired in geographic area; redesignation of public domain lands.

Sec. 206. Relationship to Umpqua land exchange authority.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS**SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LANDS IN OREGON.**

(a) **TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.**—